

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:09-CR-181-8
v.)	
)	Chief Judge Curtis L. Collier
LESLIE APGER)	

ORDER

On October 7, 2010, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation (“R&R”) recommending (a) the Court accept Defendant’s plea of guilty to the lesser included offense in Count One of the Indictment, conspiracy to distribute and manufacture methamphetamine, in violation of 21 U.S.C. §§846 and 841(a)(1), and 841(b)(1)(B), in exchange for the undertakings made by the government in the written plea agreement; (b) the Court adjudicate Defendant guilty of the charges set forth in the lesser included offense in Count One of the Indictment; (c) that a decision on whether to accept the plea agreement be deferred until sentencing; and (d) Defendant shall remain in custody pending sentencing in this matter (Court File No. 809). Neither party filed an objection within the given fourteen days. After reviewing the record, the Court agrees with the magistrate judge’s recommendations. Accordingly, the Court **ACCEPTS** and **ADOPTS** the R&R pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant’s plea of guilty to the lesser included offense in Count One of the Superseding Indictment,¹ in exchange for the undertakings made by the government in the written plea agreement, is **ACCEPTED**;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in the lesser included

¹The minute entry for the plea hearing (Court File No. 808) indicates Defendant pleaded guilty to the lesser included offense in Count One of the Superseding Indictment.

offense in Count One of the Superseding Indictment;

(3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(4) Defendant **SHALL REMAIN IN CUSTODY** pending sentencing on **Thursday,**
February 10, 2011, at 9:00 a.m.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE